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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,973

05/11/2006

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07/02/2007

EXAMINER

FAYYAZ, NASHMIYA SAQIB

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,973

Applicant(s)

COLEMAN ET AL.

Examiner

Nashmiya S. Fayyaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Welker-US 2004/0099068. As to claim 1, Welker discloses a sampling cylinder apparatus including a first end and a second end (opposite end walls 20 and 21) and a plurality of valves (valve assemblies 13) for sampling natural gas flowing through inlet 5 through outlet 31, see Fig. 2 or 3 and par[14] et seq. As to claim 2, the cylinder 3 is made of an aluminum alloy, see par[17]. As to claim 3, note first and second valves (valve assemblies 13) on either end walls 20/21. As to claim 4, valve seats 40 are made of polymeric material indicating that they are self-sealing, see par[40]. As to claim 5, note that valve stems 55 are in the form of a plunger, see figs. 2 or 3. As to claim 6, by controlling the valves 13, the ends can be either closed or opened, as desired.

As to claim 7, note aperture (valve port 33) which appears to be circular in cross-section. As to claim 8, note valve body 45 of valve assembly 13 is in port (33). As to claim 9, end walls 20 and 21 have a rounded/rolled lip type configuration. As to claim 10, note cap (hex head 53). As to claims 11 and 13, note the hex head an expanded diameter portion (flange) which can be considered partially rolled in that it is rounded where the hex head overlies seal element 46 when contacting end walls 20/21. As to claim 12 (as best understood) and 14, the hex head/flange is formed over the rolled lip of end walls 20/21 where the hex head has an aperture in which valve stem 55 extends. As to claim 15, there are 2 valves 13 extending through hex heads 53. As to claim 16, hex head 53 has a threaded section 49 extending within the opening in the end and below the rolled lip wall (20/21). As to claim 18, note pressure relief device 17 for extraction of fluid.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Proudman et al-US Patent # 2,298,627. As to claim 1, Proudman et al disclose a tank sampler including container (casing 10) with ends 12 and 13 and valves 35 and 37, see figs 1-2. As to claim 2, in the drawings the casing appears to be made out of metal given the markings used. As to claim 3, note first and second valves 35 and 37. As to claim 4, the valves are made of resilient and yielding material such that they securely seal the valves, see p.2, lines 15-21. As to claim 5, note the plunger (rod 32) for activating the valves. As to claim 6, note head 25

forming the closed end and the other end forming the open end. As to claim 7, note openings 26 forming a circular aperture. As to claim 8, note solid bottom 18 forming a kind of rolled lip.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 1, the preamble of the claim is drawn to a "container" while the body of the claim recites a plurality of valves "connected to" the container. Therefore, it is unclear if the combination of a container and valves is being claimed or just the container itself, as recited in the preamble. Further, it is unclear if the container is just for sampling or has other utilities since it is only claimed as a container. In claim 3, it is unclear if the first and second valves are in addition to the plurality valves of claim 1 as it is implied or are the same valves. As to claim 4, the claim merely recites an intended usage without specifying structure as how this is accomplished. As to

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claim 11, it is unclear what is meant by the cap "exhibits a partially rolled flange". In claim 12, how can the rolled flange be formed around and under the lip as well as being retained "over said rolled lip". The two descriptions are opposing. In claim 13, is the "seal" of line 1 different from that of claim 11, as implied by the "a"? Further, on line 1, "said seal" lacks clear antecedent basis. Also, claim 13 lacks a period. In claim 15, is a second valve in addition to that of claim 3 and those of claim 1 as implied by the "a"? In claim 17, "said cap wall" on line 1 lacks clear antecedent basis. In claim 18, it is unclear from the disclosure what additional means are being claimed as the "fluid extraction or injection means" and on lines 2-3, "said fluid extraction or injection device" lacks clear antecedent basis.

Allowable Subject Matter

7. Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional prior art cited on PTO-892 include various

sampling containers showing the very well-known expediency of a container with valves on opposing ends.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashmiya S. Fayyaz whose telephone number is 571-272-2192. The examiner can normally be reached on Mondays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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Art Unit 2856

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6/22/07



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